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Attorneys for Defendant FUECHTENER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) 2:16-cr-100-GMN-CWH
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)
)
Plaintiff,)
)
)
v.)
)
)
JAN ROUVEN FUECHTNER,)
)
)
Defendant.)
)

STIPULATION AND ORDER TO CONTINUE CALENDAR CALL AND TRIAL DATE

IT IS HEREBY STIPULATED AND AGREED by and between JESS R. MARCHESE, ESQ., and BENJAMIN DURHAM, ESQ., Counsel for Defendant JAN ROUVEN FEUCHTENER and LISA CARTIER-GIROUX and ELHAM ROOHANI, Assistant United States Attorneys, that the calendar call, and the trial currently scheduled for October 25, 2016 at 9:00a.m. be vacated and continued to a date and time convenient to the Court, but no later than thirty (30) days from October 25, 2016.

This Stipulation is entered into for the following reasons:

- 1 1. Counsel for the defendant has spoken to his in-custody client and he has no objection
- 2 to the request for continuance.
- 3 2. Counsel for the defendant has spoken to counsel for the United States and they have
- 4 no objection to the continuance. The United States in doing so, does not waive its
- 5 pending Motion to Disqualify (Doc. #100).
- 6 3. Trial preparation in this matter has been delayed in responding to the Motion to
- 7 Disqualify and the issues resulting therefrom. The Motion is still outstanding. An
- 8 evidentiary hearing has recently been set for Monday, October 24, 2016 at 1:00 p.m.
- 9 4. The additional time requested by this stipulation is excludable in computing the time
- 10 within which trial herein must commence pursuant to the Speedy Trial Act, Title 18,
- 11 United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section
- 12 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161
- 13 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
- 14 5. That a denial of this request would result in a miscarriage of justice.
- 15 6. For all the above-stated reasons, the ends of justice would best be served by a
- 16 continuance of the Trial Date continued to a date and time convenient to the Court,
- 17 but no later than thirty (30) days from October 25, 2016.

21 This is the fifth request for continuance filed herein.

23 DATED: October 21, 2016

25 /S/

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 ATTORNEY FOR THE DEFENDANT

25 /S/

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) 2:16-cr-100-GMN-CWH
)
)
Plaintiff,)
)
v.)
)
JAN ROUVEN FUECHTENER,)
)
Defendant.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the court finds:

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to his in-custody client and he has no objection to the request for continuance.
 2. Counsel for the defendant has spoken to counsel for the United States and they have no objection to the continuance. The United States in doing so, does not waive its pending Motion to Disqualify (Doc. #100).
 3. Trial preparation in this matter has been delayed in responding to the Motion to Disqualify and the issues resulting therefrom. The Motion is still outstanding. An evidentiary hearing has recently been set for Monday, October 24, 2016 at 1:00 p.m.
 4. The additional time requested by this stipulation is excludable in computing the time within which trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(1)(D) and Title 18, United States Code Section 3161 (h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161 (h)(7)(B)(I) and 3161 (h)(7)(B)(iv).
 5. That a denial of this request would result in a miscarriage of justice.
 6. This is the fifth request filed herein.
 7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the continued to a date and time convenient to the Court, but no later than thirty (30) days from October 25, 2016.

CONCLUSIONS OF LAW

Denial of this request for continuance would deny the parties herein the opportunity to effectively and thoroughly prepare for trial.

Additionally, denial of this request for continuance could result in a miscarriage of justice.

ORDER

IT IS HEREBY ORDERED that the calendar call be continued to the _____ day of _____, _____ at _____, in courtroom _____ and the trial currently scheduled for October 24, 2016, be continued to the _____ day of _____, _____ at _____, in courtroom _____.

DATED this _____ day of _____, 2016.

U.S. DISTRICT JUDGE